

**DECISION****THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

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DIGEST:

**Use of appropriated funds in connection with  
National Solid Waste Management Association  
Convention**

Use of appropriated funds by Environmental Protection Agency (EPA) to pay transportation and lodging expenses of 87 State officials at National Solid Waste Management Association Convention is prohibited by 31 U.S.C. § 551 without specific statutory authority, and EPA has no such specific authority either in its appropriation act or in Solid Waste Disposal Act. While no exception will be taken in present situation, similar expenditures in future will require exception unless specific authority is obtained.

This decision is the result of a congressional request indicating that the United States Environmental Protection Agency (EPA) had paid for the transportation and lodging of a number of State employees at the National Solid Waste Management Association Convention, held in San Francisco on November 13-16, 1974. We were asked to determine the amount of appropriated funds so used by EPA in connection with this convention and to determine the propriety of such expenditures.

Pursuant to the request, we reviewed EPA's travel authorizations and travel vouchers and found that appropriated funds were used to pay the expenses of 87 State employees. Of these, 86 were State legislators or members of executive or administrative agencies; the remaining attendee was an employee of a State University. The 87 persons represented 48 States, the District of Columbia, and Puerto Rico.

The total cost for these 87 persons was \$35,609.26. In approximately 10% of the cases, vouchers had not been submitted at the time of our investigation, so the amounts for these persons were taken from applicable travel authorizations. Hence the above total may be subject to some adjustment. EPA officials said that the expenses had been charged against EPA's Office of Solid Waste Management Program travel funds.

EPA records indicate that it sponsored the convention pursuant to § 204 of the Solid Waste Disposal Act, Pub. L. No. 89-272, approved

October 20, 1965, 79 Stat. 992, 998, as amended by § 103(a) of the Resource Recovery Act of 1970, Pub. L. No. 91-512, approved October 26, 1970, 84 Stat. 1227, 1228, 42 U.S.C. § 3253, set forth in part below:

"(a) The Secretary shall conduct, and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to--

"(1) any adverse health and welfare effects of the release into the environment of material present in solid waste, and methods to eliminate such effects;

"(2) the operation and financing of solid waste disposal programs;

"(3) the reduction of the amount of such waste and unsalvageable waste materials;

"(4) the development and application of new and improved methods of collecting and disposing of solid waste and processing and recovering materials and energy from solid wastes; and

"(5) the identification of solid waste components and potential materials and energy recoverable from such waste components.

"(b) In carrying out the provisions of the preceding subsection, the Secretary is authorized to--

"(1) collect and make available, through publications and other appropriate means, the results of, and other information pertaining to, such research and other activities, including appropriate recommendations in connection therewith;

"(2) cooperate with public and private agencies, institutions, and organizations, and with any industries involved, in the preparation and the conduct of such research and other activities; and

"(3) make grants-in-aid to public or private agencies and institutions and to individuals for research, training projects, surveys, and demonstrations (including construction of facilities), and provide for the conduct of research, training, surveys, and demonstrations by contract with public or private agencies and institutions and with individuals; and such contracts for research or demonstrations or both (including contracts for construction) may be made in accordance with and subject to the limitations provided with respect to research contracts of the military departments in section 2353 of Title 10, except that the determination, approval, and certification required thereby shall be made by the Secretary."

Regarding the propriety of the expenditure in question, 31 U.S.C. § 551 provides as follows:

"Unless specifically provided by law, no moneys from funds appropriated for any purpose shall be used for the purpose of lodging, feeding, conveying, or furnishing transportation to, any conventions or other form of assemblage or gathering to be held in the District of Columbia or elsewhere. This section shall not be construed to prohibit the payment of expenses of any officer or employee of the Government in the discharge of his official duties."

In 14 Comp. Gen. 638, 640 (1935), we stated with regard to the above statutory language:

"There seems very little if any room for doubt as to the reasonable meaning and legal effect of such language. Simply stated, it is that no convention or other form of assemblage or gathering may be lodged, fed, conveyed, or furnished transportation at Government expense unless authority therefor is specifically granted by law."

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In that case, we held that the Federal Housing Administration could not pay the expenses of meetings of private citizens who were cooperating with the Administration in a campaign to encourage repair and modernization of real estate. In 14 Comp. Gen. 851 (1935), we ruled that the same provision of law prohibited the American Battle Monuments Commission from paying the costs of transportation of participants in dedication ceremonies to and from monument sites or the costs of light refreshments for such participants.

The prohibition of § 551 originated as Public Resolution No. 2, 74th Congress, approved February 2, 1935, 49 Stat. 19. Its purpose—quoting from 45 Comp. Gen. 476, 477 (1966)—was to

"declare the policy of the Congress as being against the expenditure of Government funds to honor numerous applications which were then being received from various organizations requesting lodging, food, and transportation for the purpose of holding conventions or meetings."

It may well be that the policy considerations which prompted the enactment of the original prohibition in 1935 no longer apply with equal force today. Nevertheless, the language of § 551 is unambiguous and we must apply its literal provisions for so long as it remains in force.

An example of the "specific" authority required is 31 U.S.C. § 552, set forth below for purposes of illustration:

"Nothing contained in section 551 of this title shall be construed to prohibit the Secretary of Agriculture from paying the necessary expenses for assemblages of the 4-H Boys and Girls Clubs, called by the Secretary of Agriculture in the District of Columbia or elsewhere, in the furtherance of the cooperative extension work of the Department."

Section 3253, title 42, does not specifically authorize the sponsoring of conventions, nor have we found anything in its legislative history to indicate that the topic of conventions was specifically considered. The pertinent discussions in the committee reports, for example, generally restate the statutory language with little further explanation. See, as a typical example, H.R. Rep. No. 899, 89th Cong., 1st Sess. 12-13 (1965), the report on the House version of the Solid Waste Disposal Act. The

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language of § 3253 is quite broad, and we would not dispute that conventions such as the one here in question would appear to be not inconsistent with its purpose. Nevertheless, we do not believe that § 3253 constitutes such specific authority as is required by 31 U.S.C. § 551 for the payment of transportation and lodging expenses.

We have also reviewed the provisions of Pub. L. No. 93-563, the Agriculture-Environmental and Consumer Protection Appropriation Act, 1975, 88 Stat. 1822, and similarly do not find the specific authority required by 31 U.S.C. § 551.

Accordingly, while EPA may have the authority to hold conventions as a legitimate means of implementing 42 U.S.C. § 3253, we do not believe that the payment from appropriated funds of transportation and lodging expenses of State officials or employees to attend such conventions is proper in view of 31 U.S.C. § 551 without specific statutory authority. Considering all the facts and circumstances in this case we would be reluctant to require the State officials and employees to repay the amounts expended for the purposes in question and, hence, we will not take exception to payments already made in connection with the Solid Waste Management Convention. However, we will be required to take exception to similar payments in the future unless specific authority as discussed herein is obtained.

SIGNED ELMER B. STAATS

Comptroller General  
of the United States